

REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Decision on Appeal mailed on August 30, 2010. Claims 1, 2, 7-10, 15-18, 23-26, 29 and 41-44 are rejected. In this Amendment, claims 1, 9, 17, 25 and 26 have been amended. No new matter has been added. No claims have been canceled. Therefore, claims 1, 2, 7-10, 15-18, 23-26, 29 and 41-44 are presented for examination.

Rejections under 35 U.S.C. § 112

The Board of Appeals has rejected claims 1, 2, 7-10, 15-18, 23-26, 29 and 41-44 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Board of Appeals stated the advanced notification rule renders the standard notification rule unnecessary to the claim because the standard notification rule can be preempted by the advanced notification rule regardless of whether the standard notification rule is enabled. The Board of Appeals stated that it is therefore unclear from the language of claim 1 when and how the first notification can be suspended from being generated upon the occurrence such that the first notification is not generated, and thus how the advanced notification rule is enabled to preempt the standard notification rule. The Board of Appeals further stated that claim 1 recites a nebulous indefinite relationship between the standard notification rule and the advanced notification rule.

As amended, claim 1 recites:

A method, comprising:

detecting an occurrence of a predetermined event associated with a standard notification rule that is configured to generate a first notification, upon an occurrence of the predetermined event, to a first person in a hierarchy;

determining whether an advanced notification rule associated with the standard notification rule is enabled;

generating the first notification, upon occurrence of the predetermined event, to the first person in the hierarchy if the advanced notification rule is not enabled; and

preempting the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated if the advanced notification rule is enabled.

As amended, claim 1 recites a clear relationship between the standard notification rule and the advanced notification rule. Additionally, claim 1 now recites distinct first situations that cause the advanced notification rule to preempt the standard notification rule and second situations that cause the advanced notification rule not to preempt the standard notification rule. Therefore, claim 1 can no longer be interpreted in a manner in which the standard notification rule is rendered unnecessary. The claim amendments are fully supported by the detailed description of the present application (e.g., by pars. [0061]-[0075] of the detailed description). Applicant respectfully submits that the amended claim language for claim 1, in light of the specification, distinctly claims the subject matter which applicant regards as the invention.

Claims 9, 17 and 25 have been amended to include similar, though not identical, language to that recited in amended claim 1. Claims 1, 9, 17 and 25 have been amended such that they now distinctly claim the subject matter which applicant regards as the invention. Accordingly, applicant respectfully requests that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Conclusion

Applicant respectfully requests the withdrawal of the rejections to claims 1, 2, 7-10, 15-18, 23-26, 29 and 41-44. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

The Examiner is invited to contact Benjamin Kimes at (408) 720-8300 for further discussion of the present application.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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